

**BROKEN ARROW CITY COUNCIL MEETING MINUTES
JULY 7, 2003**

1. The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Monday, July 7, 2003, at 7:30 P.M. Mayor Richard Carter called the meeting to order.

2. The Invocation was given by Reverend Randy Shaddox.

3. Present: Mayor Richard Carter
Vice-Mayor Craig Thurmond
Councilman Wade McCaleb
Councilman Tom Chatterton
Councilwoman Melissa Mahan

Staff Present: Michael D. Kadlecik, City Manager
Melanie Bolduc, City Clerk
Tom Caldwell, Finance Director
Justin Cook, Director of Engineering
Farhad Daroga, City Planner
Scott Esmond, Parks & Recreation Director
Jay Heinrichs, Controller
Joe Higgins, Inspector
David McCann, Purchasing Manager
Greg Neely, Deputy Fire Chief
Dave Wooden, Public Works Director
Todd Wuestewald, Police Chief
Michael Vanderburg, City Attorney

4. Mayor Carter recognized members of Boy Scout Troop 999 of the Elks Club, Troop 935 of 1st Methodist Church and Troop 920 of Immanuel Lutheran Church who were present in the audience. One member of Troop 920 led the Council and audience in the pledge of allegiance.

5A. The Council considered approval of the special meeting minutes of June 3, 2003.

Motion by Chatterton, second by McCaleb to approve the minutes of June 3, 2003.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

5B. The Council considered approval of the regular meeting minutes of June 16, 2003.

Motion by McCaleb, second by Mahan to approve the minutes of June 16, 2003.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

6A. The Council considered the presentation and possible approval for use of the phrase and image “Broken Arrow Metroplex” in the City’s representations, advertisements, memorabilia and commemorative expressions. City Manager Michael Kadlecik introduced the item and provided background. He noted the phrase was originally used by former Governor Frank Keating in his speech at the dedication of the South Loop. Mayor Carter stated he likes the phrase and believes we have become a metroplex. He further stated that our City has grown to over 85,000 and spreads out into two counties and noted the future promises much more for Broken Arrow.

Mr. Kadlecik stated the City will use “Broken Arrow Metroplex” along with the other City slogans. Mayor Carter stated he can hardly wait to show his new pin to Mayor LaFortune.

Motion by Thurmond, second by Mahan to approve use of the phrase and image “Broken Arrow Metroplex”, when appropriate, in the City’s representations, advertisements, memorabilia and commemorative expressions.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

6B. The Council considered the Public Hearing to abate general public nuisances. Mayor Carter noted there is a revised list.

WEEDS

| | | |
|----------------------------------|----------------------------|----------------------------------|
| 7509 S Maple Ave | 1300 W Honolulu Pl | W of 20957 E 35 th Pl |
| 1004 N Aster Ave | 1700 N 24 th St | 23929 King Ct |
| 8915 S 199 th Ave | 2520 S Hickory Ave | N of 1501 N 31 st St |
| W of 21504 E 35 th Pl | 1113 W Birmingham St | 4105 S Juniper Ave |

UNSECURED HOUSE

4000 S Gum Pl

TRASH

| | | |
|------------------|-----------------------------|-------------------------|
| 7509 S Maple Ave | 20977 E 37 th St | 1604 W Fredricksburg St |
|------------------|-----------------------------|-------------------------|

Motion by Thurmond, second by Chatterton to declare the lots public nuisances and authorize the lots to be abated at costs to the property owners of \$225.00 per hour and if the costs are not paid, to authorize the City Clerk to certify the costs as a lien against the property.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

8. The Council considered approval of the Consent Agenda.

A. Approval of payroll for July 18, 2003

B. Approval of Conditional Final Plat PT03-108, DN03-129, Record-Walker Tract, 1.85 acres, 2 lots, I-1, BAZ 1589, end of West Detroit Street, ¼ mile west of Elm Place

- C. Approval of BAZ 1602, 2.123 acres, R-1 to C-3, 300 feet south of Washington (91st) Street on the east side of Aspen Avenue
- D. Approval of receipt of bids and awarding of the most advantageous bid for the Rhoades Elementary School Regional Detention Facility storm sewer and outlet construction
- E. Approval of and authorization for the Mayor to execute the purchase of right-of-way for the construction of intersection improvements at Kenosha Street and Oneta Road
- F. Approval of receipt of bids and awarding of the most advantageous bid for roadway improvements for 9th Street from the Broken Arrow Expressway north to Albany Street and authorization for the Mayor to execute the contract
- G. Approval of receipt of bids and awarding of the most advantageous bid for the construction of intersection improvements at Kenosha Street and Oneta Road and authorization for the Mayor to execute the contract
- H. Approval of and authorization for the Mayor to execute a Memo of Understanding agreement to accept sewage from the City of Tulsa in the area of 9th Street and Omaha
- I. Possible action, discussion and authorization for the Mayor to execute Resolution No. 359 prescribing the principal amount of bonds to be issued, establishing the principal amount of bonds to mature each year, establishing the time and place said bonds are to be sold, and authorizing the Clerk to give notice of said sale as required by law; ratifying and confirming a Legal Services Agreement and a Financial Advisor Services Agreement with respect to the issuance of such Bonds and approving the Preliminary Official Statement pertaining thereto
- J. Approval of request to donate 48 surplus cellular telephones to Domestic Violence Intervention Services (DVIS)
- K. Approval of and authorization for the Mayor to execute agreements between the City of Broken Arrow and the Oklahoma Turnpike Authority for the traffic light and overpass maintenance, and the creation of a trail system in coordination with the OTA on the South Loop right of way
- L. Approval of request to close a portion of S. 199th E. Avenue in the Steeplechase Farms Addition during a Homeowners' Association block party on Sunday, July 13, 2003, from 4:00 p.m. to 8:00 p.m.
- M. Approval of request to utilize Northeastern State University Broken Arrow campus for Gatesway's 9th Annual International Balloon Festival to be held August 1-3, 2003
- N. Approval of Traffic Calming Policy implementation on Lyons Avenue from 81st Street to Nashville Street

- O. Approval of request to declare as surplus to be traded with Botach Tactical Police Supply for \$1,510.00 worth of store credit seven (7) various types of weapons that are no longer in use
- P. Acceptance of Oklahoma State Department of Health permit for the construction of a spray deck to serve Rockwood Park
- Q. Acceptance of DEQ permit for the construction of sanitary sewer line and appurtenances to serve the Bruner Tobacco Outlet sewer line extension
- R. Acceptance of DEQ permit for the construction of potable water line and appurtenances to serve the Creekridge Office Park water line extension
- S. Acceptance of a Drainage Easement and Temporary Construction Easement from Timothy J. and Patricia L. Schmitt (S14-T18N-R14E) (Project: 81st Street Drainage)
- T. Acceptance of a Drainage Easement, Mutual Access Easements and Sidewalk Easement from T-Town Music & Games, Inc. (S23 T18N R14E) (Project: Atlanta Center)
- U. Acceptance of a Drainage Easement from the Louis Miller Trust (S3 T18N R14E) (Project: Fair Field Drainage Easement)
- V. Approval of Claims List

Motion by McCaleb, second by Chatterton to approve the Consent Agenda.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

9. There were no items removed from the Consent Agenda.

10A. The Council considered approval of the conceptual plans for Centennial Historical Markers. Parks and Recreation Director Scott Esmond, accompanied by Roberta Parker, Broken Arrow Historical Society volunteer, introduced the item and stated the Centennial Committee would like to place historical markers around town to mark Broken Arrow historical sites. He stated these markers will be made of granite and are from the same company which supplies the State Historical Markers. He provided a picture of a State Historical Marker and stated the Broken Arrow marker will be the same except the Broken Arrow logo will be at the top. Mr. Esmond noted the State is getting away from the metal signs as they tarnish and fade. He stated 10 markers will be installed initially as that is all the granite company will be able to manufacture prior to October which is the end of the Centennial year. Mr. Esmond stated staff will have to obtain approval from adjoining property owners prior to marker placement but the committee wanted to obtain Council approval prior to meeting with the general public. In response to Vice-Mayor Thurmond, Mr. Esmond stated the Centennial Committee has funding for the markers. In response to Mayor Carter, Mr. Esmond stated bollards will be placed around the markers for

protection. In response to Councilwoman Mahan, Ms. Parker stated some of the markers will be placed at historical homes along Commercial Street.

Motion by Thurmond, second by Chatterton to approve the conceptual plans for Centennial Historical Markers.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

11. The Council considered the City Manager's Report. City Manager Michael Kadlecik introduced the new City Clerk Melanie Bolduc. Mr. Kadlecik also introduced Major Todd Wuestewald and announced he has been appointed as the new Police Chief. Mayor Carter stated he is very pleased and noted he first met Chief Wuestewald when he was a Canine Officer and noted he has done very well and come very far in educating himself and in gaining the respect of his peers and the community.

12. Under Remarks and Inquiries by Governing Body Members Councilman McCaleb announced that the first Broken Arrow City Council meeting was held in 1903 and this meeting is the last in this Centennial Year.

Mayor Carter thanked staff and volunteers for all their hard work putting together the Glory Daze celebration.

13. The Council considered the Ordinances for preview. City Attorney Michael Vanderburg introduced the items and stated Ordinance A is the last of the annexations in this section and noted with this annexation the entire voting precinct will be inside the City which eliminates the possibility of non-city voters voting when they shouldn't or city voters being discouraged from voting due to confusion with the maps.

In regard to Ordinance B, Mr. Vanderburg stated a recent state legislative change allows the service plan to be negotiated. He further stated the property owners in this area have requested to be allowed to keep their septic systems until they fail and noted staff is in agreement with this request. Mr. Vanderburg stated the property owners have all protested and could not be present at this meeting but will be able to attend the July 21, 2003 meeting. He further stated he received a letter of protest from Dr. Ritze whom he assured the letter of protest would be presented to Council. Vice-Mayor Thurmond stated he received calls from a few of the property owners requesting a 2-week postponement since they would be out of town and unable to attend this meeting.

- A. An ordinance annexing certain contiguous tracts of land in Section 19, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, Oklahoma, to the city limits of the City of Broken Arrow, Oklahoma, granting a zoning classification, adopting a service plan, and declaring an emergency. This land is generally east of County Line Road and running from 101st (New Orleans) to 91st (Washington)

- B. An ordinance annexing certain contiguous tracts of land in Section 27, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, to the city limits of the City of Broken Arrow, Oklahoma, granting zoning classifications, adopting a service plan, and declaring an emergency. This land is generally mid mile on the south side of New Orleans and approximately one-third of a mile west of Elm Place

Motion by Thurmond, second by McCaleb to Table Preview Ordinance Item B to the July 21, 2003 meeting.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

Kermit Hoffmeier stated he is an owner of a company which owns a portion of land included in Preview Item A and noted he and his partner were unable to attend the staff level meeting which was held. He stated the upper portion of his property is zoned agriculture and the lower portion is zoned C-2 by Wagoner County. He stated his concern regarding the difference in value if he loses his C-2 zoning. Mr. Hoffmeier stated he is opposed to annexation but willing to work this out with the City if the zoning issue can be resolved. In response to Councilwoman Mahan, Mr. Vanderburg stated the property in question can be zoned C-2 at the time of annexation. Vice-Mayor Thurmond stated if it is currently zoned C-2 it should be brought in at that same level of zoning. Mr. Kadlecik stated historically that is what the City has done. In response to Mayor Carter, Mr. Hoffmeier stated if the City brought his property in at the same zoning level that would be fine with him.

Motion by Mahan, second by McCaleb to advance Preview Item A, with the changes requested, to the July 21, 2003 meeting.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

7. Under Citizen's Opportunity to Address the Council Thomas Sinkinson, 5301 S. Fern Ave., and Carrie Steward, 700 W. Inglewood St., addressed the Council regarding concerns they have about possible damages to their properties due to the widening of Elm. Mr. Sinkinson stated for a fee of \$170 he will provide a file of documents and tapes for Council and City staff to review. Mr. Sinkinson's comments also indicated he strongly objected to the Council's Executive Sessions not being open to the public. Mr. Vanderburg informed Mr. Sinkinson he would respond to his various concerns in writing. Ms. Steward presented photographs of her property to the Council. Councilwoman Mahan stated she will accompany the City Engineer to view Ms. Stewards property.

Stephen McKinney, 3112 W. Broadway St., addressed the Council regarding concerns he has for children riding on off-road vehicles without helmets and presented pictures of this happening in his neighborhood. He expressed concern about illegal fireworks being shot off in his neighborhood on July 4th and requested the Council have a Citizen's Commission or other group study ways to prevent this from happening. He also expressed concerns regarding children riding in the bed of pickup trucks. Vice-Mayor Thurmond referred Mr. McKinney to his State

Representative for assistance in changing the law regarding children riding in the beds of pickups. Police Chief Todd Wuestewald explained the City Code regarding helmets and noted police officers are available to assist citizens in filing Citizen's Complaints which result in a court date being set. Chief Wuestewald also explained there are over 400 calls received each July 4th and stated they respond to as many as they can.

14. The Council considered the Ordinances for adoption. City Attorney Michael Vanderburg introduced the items. In response to Vice-Mayor Thurmond, Mr. Vanderburg stated Ordinance No. 2549 is the primary area where we indicated the City Manager would file a report and adjust fees accordingly. Vice-Mayor Thurmond stated he has done some research on the fee increases and if we pass No. 2549 it will make the City unique on how we increase fees and also eliminate some of the public's opportunity to address fee increases. In response to Councilwoman Mahan, Mr. Vanderburg stated most of the fees are not required to be set by ordinance but past Council's did so by preference and further responded that this procedure can be changed at Council's discretion. Mayor Carter requested that in Section 2-4(b) the effective date be changed from 30 days to 60 days to allow advanced notification time to individuals, companies and groups which will be affected by the fee increases. Vice-Mayor Thurmond concurred.

- A. **Ordinance No. 2548** An Ordinance annexing a certain contiguous tract of land in Allison Estates Addition, Wagoner County, Oklahoma, to the city limits of the City of Broken Arrow, Oklahoma, granting a zoning classification, adopting a service plan, and declaring an emergency. This land is generally known as 23814 East Biddle
- B. **Ordinance No. 2549** An ordinance amending the Broken Arrow Code by amending Sections 2-4, 2-40, 6-121, and 24-604; and by creating 10-27; and further by amending the Broken Arrow Land Subdivision Code section 11.2; all by adding or increasing various fees for Broken Arrow Programs and Regulations, repealing all ordinances to the contrary; and declaring an emergency
- C. **Ordinance No. 2550** An ordinance annexing a certain contiguous tract of land in Allison Estates Addition, Wagoner County, Oklahoma, to the city limits of the City of Broken Arrow, Oklahoma, granting a zoning classification, adopting a service plan, and declaring an emergency. This land is generally known as 23908 East Biddle
- D. **Ordinance No. 2551** An ordinance amending the Broken Arrow Code Chapter 6, Section 6-52 (a) by repealing the requirement that a formal certificate be furnished to the utility company, repealing all ordinances to the contrary and declaring an emergency
- E. **Ordinance No. 2552** An ordinance amending the Broken Arrow Code Section 2-2, changing the time of the City Council meetings to 7:00 p.m., repealing all ordinances to the contrary, and declaring an emergency
- F. **Ordinance No. 2553** An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 1560), approving BAZ 1592, granting a C-3 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- G. **Ordinance No. 2554** An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 1560), approving BAZ 1578, granting an IS zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Motion by Thurmond, second by Mahan to adopt Ordinance Nos. 2548-2554 with requested modifications to Ordinance No. 2549 § 2-4(b).

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

Motion by McCaleb, second by Chatterton to adopt the Emergency Clause of Ordinance Nos. 2548-2554.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

15. The Council considered adjournment.

Motion by Mahan, second by Chatterton to adjourn.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

The meeting was adjourned

BROKEN ARROW MUNICIPAL AUTHORITY MEETING MINUTES JULY 7, 2003

1. The Broken Arrow Municipal Authority met in regular session in the City Hall Council Chambers on Monday, July 7, 2003, after the Broken Arrow City Council meeting, which began at 7:30 p.m. Chairman Richard Carter called the meeting to order. Authority members present were as follows:

Present: Chairman Richard Carter
Vice-Chairman Craig Thurmond
Mr. Wade McCaleb
Mr. Tom Chatterton
Ms. Melissa Mahan

Staff Present: Michael D. Kadlecik, City Manager
Melanie Bolduc, City Clerk
Tom Caldwell, Finance Director
Justin Cook, Director of Engineering

Farhad Daroga, City Planner
Scott Esmond, Parks & Recreation Director
Jay Heinrichs, Controller
Joe Higgins, Inspector
David McCann, Purchasing Manager
Greg Neely, Deputy Fire Chief
Dave Wooden, Public Works Director
Todd Wuestewald, Police Chief
Michael Vanderburg, City Attorney

3. The Authority considered approval of minutes of regular meeting of June 16, 2003.

Motion by Mahan, second by Chatterton to approve the minutes of the regular meeting of June 16, 2003.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

4. The Authority considered possible approval of and authorization for the Chairman to execute a one-year contract with the Metropolitan Environmental Trust (The Met) for the Household Pollutant Program. City Manager Michael Kadlecik introduced the item.

Motion by Thurmond, second by Mahan to approve and authorize the Chairman to execute the one year contract with the MET for the Household Pollutant Program.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

5. The Authority considered approval of payroll for July 18, 2003.

Motion by Chatterton, second by McCaleb to approve payroll for July 18, 2003.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

6. The Authority considered approval of Claims.

Motion by McCaleb, second by Mahan to approve the Claims List.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter
Nay: None
Motion carried.

7. There were no Remarks or Inquiries by Governing Body Members.
8. The Authority considered adjournment.

Motion by Mahan, second by Chatterton to adjourn.

Aye: Mahan, Chatterton, McCaleb, Thurmond, Carter

Nay: None

Motion carried.

The meeting was adjourned.

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